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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Jay J. Falconer, an individual

Plaintiff,

vs.

Tin The Thao, an individual; and Luna Lan
an individual,

Defendants.

Case No.: _____

COMPLAINT

(Copyright Infringement)

(DEMAND FOR JURY TRIAL)

Jay J. Falconer (“Falconer”) for his complaint against Tin The Tao and Luna Lan, complains and alleges as set forth below.

Parties and Jurisdiction

1. Jay J. Falconer is a resident of Maricopa County, Arizona.
2. Upon information and belief Tin The Thao (“Thao”) is a resident of Vietnam.
3. Upon information and belief Luna Lan (“Lan”) is a resident of Vietnam.

6. Venue is proper in this district pursuant to 28 U.S.C. §1391.

Copyright Infringement

- 1 b. *Bunker: Dogs of War* aka Bunker Book 2 – Copyright Reg. No.
2 TXu002042650 issued 2017.
3
4 c. *Bunker: Code of Honor* aka Bunker Book 3 - NA
5
6 d. *Bunker: Lock and Load* aka Bunker Book 4 – Copyright Reg. No.
7 TXu002068067 issued 2017.
8
9 e. *Bunker: Zero Hour* aka Bunker Book 5 – Copyright Reg. No.
10 TXu002072208 issued 2017.

11 10. Falconer has sold over one-hundred thousand copies of his Bunker Series
12 Books. These books are regularly available and sold on Amazon and through various other
13 outlets.

14 11. Falconer also sells his Bunker Series Books in audio format through Amazon's
15 Audible outlet and through other sources.

16 12. Falconer has recently learned that Defendants have copied the audio versions
17 of his Bunker Series Books, and they have published and made these infringing versions of
18 the Bunker Series Books on YouTube.

19 13. Defendants made the infringing versions of the Bunker Series Books without
20 Falconer's authorization and in violation of federal copyright law.

21 14. Such actions violate Falconer's exclusive rights as the owner of the copyrights
22 in his Bunker Series Books.
23
24
25
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1 15. At least one version of the infringing works created by the Defendants was
2 previously available at the following online YouTube URL:
3 <https://www.youtube.com/watch?v=sHqG7v4xEeY> (the “Infringing YouTube Work”).
4

5 16. The Infringing YouTube Work version of Falconer’s Bunker Series Books
6 appears to be an unauthorized recording made by recording the Audible audio book version
7 of the Bunker Series Books. This online version of the Infringing YouTube Work was a
8 recording of the continuous audio streaming of his Bunker Series Books 1-5 which were then
9 uploaded into one YouTube recording.
10

11 17. Falconer did not authorize the Defendants to make the Infringing YouTube
12 Work, or any other version of the Bunker Series Books, or to copy, distribute, or publish it.

13 18. The Infringing YouTube Work violates Falconer’s copyrights in his Bunker
14 Series Books.
15

16 19. On November 1, 2023, Falconer issued a copyright takedown notice to
17 YouTube regarding the Infringing Work, pursuant to 17 U.S.C. §512.

18 20. YouTube removed the Infringing YouTube Work from its website.
19

20 21. On November 2, 2023, the Defendants issued a copyright counter-notification
21 falsely claiming that their work was authorized by Tokybook.com.

22 22. Falconer has never authorized Tokybook.com to copy, reproduce, distribute,
23 or publish his works in any format.

24 23. The counter-notification is false.
25
26

1 24. Unless restrained, YouTube will permit the Infringing Work to be reposted on
2 its service. Such action would cause irreparable harm and injury to Falconer.

3 25. Defendants' actions have caused harm and damage to Falconer in an amount
4 to be proven at trial. Alternatively, Plaintiff is entitled to recover statutory damages for these
5 acts of infringement.
6

7 26. Any copying, reproduction, distribution, or publication of Falconer's works by
8 Defendants will cause irreparable injury to Falconer. Falconer is entitled to injunctive relief.
9

10 27. Upon information and belief, Defendant's actions were willful. Falconer is
11 entitled to maximum statutory damages of up to \$150,000 per act of infringement.

12 WHEREFORE, Falconer requests relief as follows:

13 A. For actual damages in the amount to be proven at trial;

14 B. In the alternative, for statutory damages for Defendants' acts of
15 copyright infringement, pursuant to 17 U.S.C. § 504.
16

17 C. For a Court Order prohibiting and restraining Defendants, their
18 employees, agents, representatives and all persons in active concert with them, or any of
19 them, from any further actions of infringement, including but not limited to prohibiting and
20 restraining the restrained parties from making any copies, reproductions, or recordings of
21 any of Falconer's copyrighted works; and from publishing or distributing any copies,
22 reproductions or recordings, including any text or audio recording of the Bunker Series
23 Books, or any derivatives thereof in any manner or in any medium, including through
24 YouTube.
25
26

1 D. For a Court Order directing and requesting YouTube to refrain from
2 posting or permitting any reposting, online viewing, distribution or downloading of any
3 video or audio recording of the Bunker Series Books.
4

5 E. For Falconer's court costs and attorneys' fees incurred in this matter
6 pursuant to 17 U.S.C. §505.

7 F. For interest on all above amounts from the date of judgment until paid.

8 G. For such other relief as the Court deems just and proper.
9

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11 DATED this date: November 9, 2023.
12

13 **Parker Schwartz, PLLC**
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